

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

11-15-00

NOV 15 2000

CITY OF GRANITE CITY, )  
an Illinois municipal corporation, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS DEPARTMENT OF )  
TRANSPORTATION, TERMINAL )  
RAILROAD ASSOCIATION OF ST. )  
LOUIS, GATEWAY EASTERN )  
RAILWAY COMPANY, GATEWAY )  
WESTERN RAILWAY COMPANY, )  
NORFOLK SOUTHERN RAILWAY )  
COMPANY, AND UNION PACIFIC )  
RAILROAD, )  
Respondents, )

Docket No. 700-0003

**MOTION TO WITHDRAW PETITION**

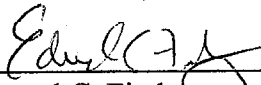
COMES NOW the Petitioner, City of Granite City, pursuant to 83 Ill. Adm. Code Part 200.190, and for its Motion to Withdraw Petition, states as follows:

1. On or about January 12, 2000, the City of Granite City filed a Petition in this matter requesting the closure of what has been termed the Pontoon Road crossing and the construction of an overpass at the said crossing. The City of Granite City was also requesting the closing of the 22<sup>nd</sup> Street crossing.
2. Upon due consideration, the City of Granite City now moves to withdraw its Petition without prejudice.
3. There have been no material or substantive rulings or findings made by the Hearing Examiner or the Illinois Commerce Commission as to any matter pertaining to the Petition.
4. No party should be prejudiced by its dismissal. Attorneys for the Norfolk Southern

Railway Company and Gateway Eastern and Western Railway Companies have no objection to the Motion herein. Attorneys for the Union Pacific Company and the Illinois Department of Transportation have been notified and are in the process of contacting their clients.

Wherefore, the City of Granite City respectfully requests an Order granting its Motion to Withdraw Petition without prejudice, and for such other and further relief as deemed equitable and just.

Petitioner, City of Granite City

  
\_\_\_\_\_  
Edward C. Fitzhenry  
Lueders, Robertson & Konzen  
1939 Delmar Avenue, P. O. Box 735  
Granite City, IL 62040  
(618) 876-8500

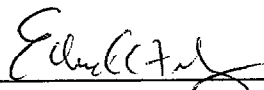
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STATE OF ILLINOIS,  
COUNTY OF MADISON,

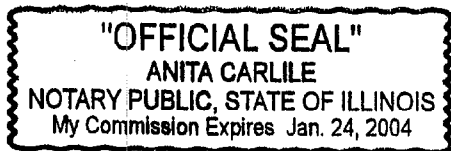
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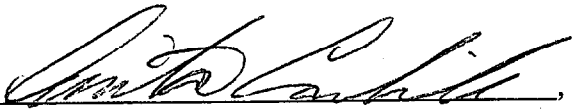
VERIFICATION

I, Edward C. Fitzhenry, being duly sworn, depose and state that I have read the foregoing Motion to Withdraw Petition, and state the contents therein are true and accurate to the best of my belief and knowledge.

  
\_\_\_\_\_  
Edward C. Fitzhenry  
Lueders, Robertson & Konzen  
1939 Delmar Avenue, P. O. Box 735  
Granite City, IL 62040  
(618) 876-8500

SUBSCRIBED AND SWORN to before me, a Notary Public on this 9<sup>th</sup> day of  
November, 2000.



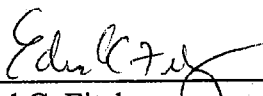
  
\_\_\_\_\_  
Notary Public

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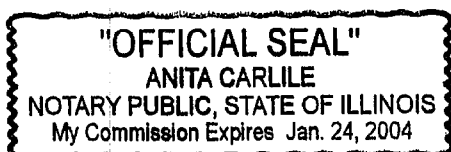
PROOF OF SERVICE

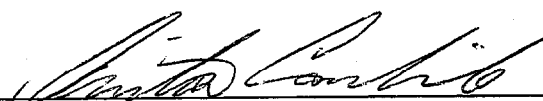
STATE OF ILLINOIS       )  
                                  )  
COUNTY OF MADISON    )       SS

I, Edward C. Fitzhenry, Jr., being an attorney admitted to practice in the State of Illinois and one of the attorneys for City of Granite City herewith certify that I did on the 9<sup>th</sup> day of November, 2000, filed with the Illinois Commerce Commission an original and fourteen (14) copies of the Motion to Withdraw Petition on behalf of the City of Granite City, and serve upon the persons identified on the attached service list, by depositing same in the United States Mail, in Granite City, Illinois with postage fully prepaid thereon.

  
\_\_\_\_\_  
Edward C. Fitzhenry  
Lueders, Robertson & Konzen  
1939 Delmar Avenue  
P. O. Box 735  
Granite City, IL 62040  
(618) 876-8500

SUBSCRIBED AND SWORN to me, a Notary Public, on this 9<sup>th</sup> day of  
November, 2000.



  
\_\_\_\_\_  
Notary Public

CITY OF GRANITE CITY  
V.  
ILLINOIS DEPARTMENT OF TRANSPORTATION ET AL  
DOCKET NO. T00-0003  
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